



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,323	10/23/2003	Mark A. Alcazar	MS1-1800US	8608

22801 7590 10/17/2006

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER

CHEN, QING

ART UNIT PAPER NUMBER

2191

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,323

Applicant(s)

ALCAZAR ET AL.

Examiner

Qing Chen

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the initial Office action based on the application filed on October 23, 2003.

Claims 1-26 are currently pending and have been considered below.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

- It does not specify the domestic priority information that of the application on which priority is claimed, by specifying the application number, filing date, and status.
- The name of the second inventor in the first signed declaration should presumably read -- Micheal Dunn --.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- Reference number "200" in Figure 2;
- Reference number "370" in Figure 3;
- Reference number "500" in Figure 5;
- Reference numbers "608" and "614" in Figure 6;
- Reference number "700" in Figure 7; and
- Reference number "816" in Figures 8 and 9.

Art Unit: 2191

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application.

4. The drawings are objected to because:

- The descriptive text label for Element 505 in Figure 5 should presumably read --
Navigate to entry point --.
- The descriptive text label for Element 624 in Figure 6 should presumably read --
Cache in transient cache --.
- The descriptive text label for Element 706 in Figure 7 should presumably read --
Store copy of online resources --.
- The descriptive text label "Markup" for Element 816 in Figures 8, 9, and 10 are misspelled.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets

Art Unit: 2191

may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the Examiner, the Applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The abstract of the disclosure is objected to because:
 - The terminology "installed state" should presumably read -- install state -- in line 9.
 - The letter "w" in the word "web" should be changed to uppercase in lines 1 and 8.Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities:
 - The specification contains the following typographical errors:
 - The specification contains numerous instances of the terminology "startup state." There should be a hyphen (-) between the words "start" and "up" in order to keep the terminology consistent throughout the drawings and specification.
 - The specification contains numerous instances of the terminology "final state." It should presumably read -- install state --.
 - The specification contains numerous instances of the terminology "installed state." It should presumably read -- install state --.

- The specification contains numerous instances of the terminology “web.” The letter “w” in the word “web” should be changed to uppercase in order to keep the terminology consistent throughout the specification.
- The word “resource” should be pluralized in page 2, line 24.
- The second sentence of the “Exemplary Operating Environment” section is a duplicate of the first sentence and should be deleted.
- The word “as” in the phrase “... user *as* invoked ...” should presumably read -- has -- in page 8, line 14.
- The word “five” should presumably read -- four -- in page 10, line 20, since there are only four additional resources shown in Figure 8.
- The terminology “mime” should be capitalized in page 11, line 11.
- The terminology “http” should be capitalized in page 13, line 10 and page 14, line 9.
- The element “code” should be changed to “additional code” in page 13, line 4 as indicated in Figure 8.
- The element “transport cache” should be changed to “transient cache” in page 13, line 11 as indicated in Figure 2.
- The letter “b” in the element “markup b” should be changed to uppercase in page 13, line 11 in order to keep the terminology consistent throughout the specification.
- The letter “m” in the elements “Markup C” and “Markup B” should be changed to lowercase in page 14, lines 11 and 15, respectively, in order to keep the terminology consistent throughout the specification.

Art Unit: 2191

- The word “an” in the phrase “... trust *an* privacy ...” should presumably read -- and -- in page 15, line 8.
- The specification does not explain what the acronym GAC stands for in page 17, line 15.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claim 2** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation “the manifest.” There is insufficient antecedent basis for this limitation in the claim. In the interest of compact prosecution, the Examiner subsequently interprets this limitation as reading “the manifest metadata” for the purpose of further examination.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. **Claims 1-26** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-26 are directed to software architecture of functional descriptive material *per se*, and hence non-statutory. The claims constitute computer programs representing computer listings *per se*. Such descriptions or expressions of the programs are not physical “things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program’s functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element, which defines structural and functional interrelationships between the computer program and the rest of the computer, that permits the computer program’s functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented, or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. **Claims 1-8, 18, 19, 20-22, and 24** are rejected under 35 U.S.C. 102(b) as being anticipated by **Forbes et al.** (US 6,381,742).

As per **Claim 1**, **Forbes et al.** disclose:

- a component configured to obtain manifest metadata about the application for the purpose of installing the application on the local computing system (*see Column 7: 35-38, "A software package manager ... extracts the manifest file from the distribution unit file ..."*); and
- an application programming interface to access the component (*see Column 7: 35-37, "A software package manager running in the underlying operating system on the user's computer ..."*).

As per **Claim 2**, the rejection of **Claim 1** is incorporated; and **Forbes et al.** further disclose:

- wherein the component is further configured to retrieve from the manifest metadata a set of information sufficient to describe the application (*see Column 6: 63-67; Column 7: 1-3, "The CoolestApp manifest file contains information about CoolestApp ..."*).

As per **Claim 3**, the rejection of **Claim 1** is incorporated; and Forbes et al. further disclose:

- wherein the application programming interface receives a parameter that identifies the application (*see Column 6: 64-66, "... the name of the CoolestApp distribution unit ..."*).

As per **Claim 4**, Forbes et al. disclose:

- a component configured to query the local computing system to determine whether a platform necessary to the application is present on the local computing system (*see Column 7: 35-45, "... the package manager determines that CoolApp has not been previously installed ..."*); and
- an application programming interface to access the component (*see Column 7: 35-37, "A software package manager running in the underlying operating system on the user's computer ..."*).

As per **Claim 5**, the rejection of **Claim 4** is incorporated; and Forbes et al. further disclose:

- wherein the platform comprises one or more software modules upon which the application depends that are not a part of the application (*see Column 7: 22-27, "... used the CoolApp components as a base and created additional components for the new features in CoolestApp ..." and "... Fred's Software Company does not include the original components for CoolApp in the CoolestApp distribution unit"*).

As per **Claim 6**, the rejection of **Claim 5** is incorporated; and Forbes et al. further disclose:

- wherein the platform further comprises one or more software modules that cannot be installed as part of the installation of the application (*see Column 7: 49-52, "... determines that CoolApp does not have any dependencies"*).

As per **Claim 7**, the rejection of **Claim 4** is incorporated; and Forbes et al. further disclose:

- wherein the platform is identified in an application manifest associated with the application (*see Column 7: 10-12, "The manifest file also contains entries for software that is required to run CoolestApp ..." and 27-32, "... inserts a dependency entry in the manifest file ..."*).

As per **Claim 8**, the rejection of **Claim 4** is incorporated; and Forbes et al. further disclose:

- wherein the component is further configured to verify a version associated with the platform (*see Column 9: 13-17, "The package manager checks the name and version of the software package contained in the manifest file against the code store data structure to determine if the software package has already been installed"*).

As per **Claim 18**, Forbes et al. disclose:

Art Unit: 2191

- a component configured to determine if a version of the application already exists on the local computing system, and if not, to download at least one resource associated with the application from a remote location (*see Column 7: 43-47, "The package manager determines that CoolApp has not been previously installed and directs the browser to download the CoolApp distribution unit file from the server ... "*); and
- an application programming interface to access the component (*see Column 7: 35-37, "A software package manager running in the underlying operating system on the user's computer ... "*).

As per **Claim 19**, the rejection of **Claim 18** is incorporated; and Forbes et al. further disclose:

- wherein the resource is sufficient to launch the application (*see Column 7: 49-67, "The package manager ... extracts the CoolApp components from the distribution unit into the FSC directory" and "The browser now can run the CoolestApp helper application from the FSC directory"*).

As per **Claim 20**, the rejection of **Claim 18** is incorporated; and Forbes et al. further disclose:

- wherein the component is further configured to replicate the application to a temporary storage location at the local computing system (*see Figure 2C: 221; Column 7: 61-63, "... the package manger extracts the CoolestApp components from the CoolestApp distribution unit to the FSC directory ... "*).

As per **Claim 21**, the rejection of **Claim 18** is incorporated; and Forbes et al. further disclose:

- wherein the component is further configured to commit the downloaded at least one resource to storage on the local computing system and is made available for binding (*see Column 7: 57-60, "The package manager registers the CoolApp components in the installed package database when the installation is successful"*).

As per **Claim 22**, Forbes et al. disclose:

- a component configured to execute the application on the local computing system after a successful determination that any necessary platform for the application is present on the local computing system and sufficient resources to launch the application are present on the local computing system, the resources being associated with the application (*see Figure 3C; Column 10: 58-67; Column 11: 1-10, "When the user requests execution of the software package, the runtime environment invokes the package manager to locate the components necessary to run the software"*); and
- an application programming interface to access the component (*see Column 7: 35-37, "A software package manager running in the underlying operating system on the user's computer ..."*).

As per **Claim 24**, the rejection of **Claim 22** is incorporated; and Forbes et al. further disclose:

Art Unit: 2191

- wherein execution occurs in a secure execution environment (*see Column 11: 65-67; Column 12: 1-3, "An optional data signature field ... contains a digital signature affixed to the distribution unit ..." and "... the digital signature itself can contain security attributes about the package"*).

13. **Claims 12, 15, and 16** are rejected under 35 U.S.C. 102(b) as being anticipated by **Larsson et al.** (US 6,226,747).

As per **Claim 12**, Larsson et al. disclose:

- a component configured to determine whether the application is authorized for installation on the local computing system (*see Column 8: 50-52, "... determines whether installation of the software from the CD to the computer is authorized"; Column 13: 12-14*); and

- an application programming interface to access the component (*see Column 7: 66-67; Column 8: 1, "Prompts from the processing unit will typically be delivered to the user via monitor"; Column 13: 20-24*).

As per **Claim 15**, the rejection of **Claim 12** is incorporated; and Larsson et al. further disclose:

- wherein the determination of the authorization comprises determining whether the installation of the application violates a license associated with the application (*see Column 8: 26-31 and 50-52, "If the license floppy disk is present, the present invention next determines whether installation of the software from the CD to the computer is authorized"*).

As per **Claim 16**, the rejection of **Claim 12** is incorporated; and Larsson et al. further disclose:

- wherein the component is further configured to generate a set of authorization parameters for the application if the application is authorized for installation (*see Column 8: 52-58 and 66-67; Column 9: 1-4, "The basis of determination is the evaluation of computer identification information stored in the archive information file of the license floppy" and "The ultimate determination is whether a predetermined number of authorized installation for the particular software, as determined by the number of computer identification information stored in the archive information file, has already been equaled"*).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claims 9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Forbes et al. (US 6,381,742) in view of Chen et al. (US 6,496,979).

As per **Claim 9**, the rejection of **Claim 4** is incorporated; however, Forbes et al. do not disclose:

Art Unit: 2191

- wherein the component is further configured to abort the installation of the application if the platform is not present.

Chen et al. disclose wherein the component is further configured to abort the installation of the application if the platform is not present (*see Column 11: 43-51, "... the installer module can provide an indication to the user that the setup package file contains files that were compiled for a mobile device different than the current one and let the user continue or cancel the installation"*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Chen et al. into the teaching of Forbes et al. to include wherein the component is further configured to abort the installation of the application if the platform is not present. The modification would be obvious because one of ordinary skill in the art would be motivated to resolve problems before the application setup program is in its final product state (*see Chen et al. – Column 2: 21-28*).

As per **Claim 10**, the rejection of **Claim 9** is incorporated; however, Forbes et al. do not disclose:

- wherein the component is further configured to return error information in conjunction with aborting the installation of the application.

Chen et al. disclose wherein the component is further configured to return error information in conjunction with aborting the installation of the application (*see Column 10: 55-61, "... determines that the map viewer is not installed and displays an error message ..."*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Chen et al. into the teaching of Forbes et al. to include wherein the component is further configured to return error information in conjunction with aborting the installation of the application. The modification would be obvious because one of ordinary skill in the art would be motivated to provide debugging information.

As per **Claim 11**, the rejection of **Claim 10** is incorporated; however, Forbes et al. do not disclose:

- wherein the error information comprises identification information about which platform was not present on the local computing system.

Chen et al. disclose wherein the error information comprises identification information about which platform was not present on the local computing system (*see Column 10: 60-65, "... the installer module did not need to unpack the setup package file ... before finding out that the map viewer was not installed"*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Chen et al. into the teaching of Forbes et al. to include wherein the error information comprises identification information about which platform was not present on the local computing system. The modification would be obvious because one of ordinary skill in the art would be motivated to provide useful debugging information on what the missing software program is.

Art Unit: 2191

16. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. (US 6,226,747) in view of Kouznetsov et al. (US 6,931,546).

As per **Claim 13**, the rejection of **Claim 12** is incorporated; however, Larsson et al. do not disclose:

- wherein the determination of the authorization comprises determining whether the installation of the application exceeds a trust level associated with a source of the application.

Kouznetsov et al. disclose wherein the determination of the authorization comprises determining whether the installation of the application exceeds a trust level associated with a source of the application (*see Column 4: 35-38, "The agent includes methods for authenticating any received requests and will only forward a request to the privileged process upon determining that the requesting application has sufficient trust"*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kouznetsov et al. into the teaching of Larsson et al. to include wherein the determination of the authorization comprises determining whether the installation of the application exceeds a trust level associated with a source of the application. The modification would be obvious because one of ordinary skill in the art would be motivated to guard access to privileged processes (*see Kouznetsov et al. – Column 3: 43-44*).

17. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. (US 6,226,747) in view of Barzilai et al. (US 2002/0104015).

As per **Claim 14**, the rejection of **Claim 12** is incorporated; however, Larsson et al. do not disclose:

- wherein the determination of the authorization comprises determining whether the installation of the application violates a privacy policy associated with the local computing system.

Barzilai et al. disclose wherein the determination of the authorization comprises determining whether the installation of the application violates a privacy policy associated with the local computing system (*see Paragraph [0072], "... receives and processes information requests from application and returns information that is provided by personal information engine, to the extend permitted by privacy policies"*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Barzilai et al. into the teaching of Larsson et al. to include wherein the determination of the authorization comprises determining whether the installation of the application violates a privacy policy associated with the local computing system. The modification would be obvious because one of ordinary skill in the art would be motivated to protect private information (*see Barzilai et al. – Paragraph [0004]*).

18. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. (US 6,226,747) in view of Kouznetsov et al. (US 6,931,546) and further in view of Barzilai et al. (US 2002/0104015).

As per **Claim 17**, the rejection of **Claim 16** is incorporated; and Larsson et al. further disclose:

- wherein the set of authorization parameters comprises at least license keys.

However, Larsson et al. do not disclose:

- wherein the set of authorization parameters comprises at least permission grants and privacy policy guarantees.

Kouznetsov et al. disclose wherein the set of authorization parameters comprises at least permission grants (*see Column 4: 35-38, "The agent includes methods for authenticating any received requests and will only forward a request to the privileged process upon determining that the requesting application has sufficient trust"*). Barzilai et al. disclose wherein the set of authorization parameters comprises at least privacy policy guarantees (*see Paragraph [0072], "... receives and processes information requests from application and returns information that is provided by personal information engine, to the extend permitted by privacy policies"*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kouznetsov et al. and Barzilai et al. into the teaching of Larsson et al. to include wherein the set of authorization parameters comprises at least permission grants and privacy policy guarantees. The modification would be obvious because one of ordinary skill in the art would be motivated to provide additional means of access authorization for the software programs.

19. **Claim 23** is rejected under 35 U.S.C. 103(a) as being unpatentable over Forbes et al. (US 6,381,742) in view of Hornbuckle (US 5,388,211).

As per **Claim 23**, the rejection of **Claim 22** is incorporated; however, Forbes et al. do not disclose:

- wherein the component is further configured to abort execution of the application if the application is not authorized for execution on the local computing system (*see Column 13: 38-42, "... the OSP module then queries RCM and verifies, through its response that RCM is, in fact, connected to the target computer ... if it is not, the execution is terminated by the OSP module ... "*).

Hornbuckle discloses wherein the component is further configured to abort execution of the application if the application is not authorized for execution on the local computing system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hornbuckle into the teaching of Forbes et al. to include wherein the component is further configured to abort execution of the application if the application is not authorized for execution on the local computing system. The modification would be obvious because one of ordinary skill in the art would be motivated to maintain the integrity of the software product (*see Hornbuckle – Column 1: 21*).

20. **Claim 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Forbes et al. (US 6,381,742).

As per **Claim 25**, the rejection of **Claim 22** is incorporated; however, Forbes et al. do not disclose:

Art Unit: 2191

- wherein execution occurs in a separate process from a calling entity responsible for the installation of the application.

Official Notice is taken that it is old and well known within the computing art to allow concurrent execution of multiple interacting computational tasks in separate processes. With the introduction of parallel computing systems containing more than one processor, software programmers often take advantage of the faster processing speed by allocating different computational tasks to different processors using separate processes. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein execution occurs in a separate process from a calling entity responsible for the installation of the application. The modification would be obvious because one of ordinary skill in the art would be motivated to allocate processing power for different computational tasks to obtain results faster and thus, save time.

21. **Claim 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Forbes et al.** (US 6,381,742) in view of **Kouznetsov et al.** (US 6,931,546).

As per **Claim 26**, the rejection of **Claim 22** is incorporated; however, **Forbes et al.** do not disclose:

- wherein execution occurs in the same process as a calling entity responsible for the installation of the application.

Art Unit: 2191

Kouznetsov et al. disclose wherein execution occurs in the same process as a calling entity responsible for the installation of the application (*see Column 7: 59-63, "The interface(s) typically allows another component or process executing on the processor(s) of appliance ..."*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kouznetsov et al. into the teaching of Forbes et al. to include wherein execution occurs in the same process as a calling entity responsible for the installation of the application. The modification would be obvious because one of ordinary skill in the art would be motivated to prevent processes from interfering with each other and cause system failures.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Staelin (US 5,835,777) discloses a method of automatically generating a software installation package that can be used to install an application program in a user's computer system.

B. Yinger et al. (US 5,960,204) disclose a network system that installs an application and/or application changes from a server computer to a client computer on an as needed basis.

C. Herrmann (US 5,995,756) discloses a development system that provides a form-based development environment for partitioning an application such that it can be seamlessly integrated into corporate Webs.

D. **Halpern et al.** (US 6,282,711) disclose methods used to customize the installation of software packages, as well as the installation of selected components of a software suite, on a local data processing system by downloading files from a remote server source coupled to a distributed processing network such as the Internet.

E. **Edwards et al.** (US 6,289,512) disclose a methodology and implementation for providing for automatically installing Java bean programs in an operational environment.

F. **Parthasarathy et al.** (US 6,347,398) disclose automatically downloading, verifying, installing, registering and displaying computer software components from computer networks like the Internet or an intranet.

G. **Schmidt et al.** (US 6,546,554) disclose a browser-independent and automatic apparatus and method for receiving, installing, and launching applications from a browser on a client computer.

H. **Zimniewicz et al.** (US 6,698,018) disclose a multiple stage installation system for the installation and setup of a suite of applications segregates and organizes the preparation, installation, clean up, optimization, etc. into functional groupings that define the multiple stages of the installation process.

I. **Daynes et al.** (US 6,715,144) disclose a system and method for request based installation, customization and activation of software products on a computer system by means of a setup infrastructure for coordinating the process phases.

J. **Irfan et al.** (US 7,028,296) disclose object oriented network systems using Hypertext Markup Language (HTML) documents to a customer's local network of server computers and

Art Unit: 2191

client computers in a manner that is expeditious and involves very little down time of the local network or its components.

K. Cox et al. (US 7,069,293) disclose systems, methods, and computer program products for centralized management of application programs on a computer network.

L. Falkner (US 7,111,055) discloses a method and an apparatus to facilitate automated software installation on remote computers over a network.

M. Perkins et al. (US 2003/0084439) disclose a payment and incentive mechanism for the electronic distribution of software.

N. McKinlay et al. (US 2003/0145316) disclose a system, method, and computer program product are disclosed for initiating a software download.

O. Barmettler et al. (US 2003/0204843) disclose systems, methods, network pages, and programs embodied in a computer readable medium for automated content download and installation of an appropriate application on a client.

P. Brodkorb et al. (US 2003/0212990) disclose methods and apparatus, including computer program products, for receiving and processing a software delivery archive to deploy software to a target computer system, in particular to deploy software into a J2EE server.

Q. Canter et al. (US 2004/0003390) disclose a mechanism for enabling installable software applications from a remote location without impacting already-installed software applications.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Qing Chen whose telephone number is 571-270-1071. The

Art Unit: 2191

Examiner can normally be reached on Monday through Thursday from 7:30 AM to 4:00 PM.

The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wei Zhen, can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WEI ZHEN
SUPERVISORY PATENT EXAMINER

QC / RC
October 11, 2006